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EXAMINER

HAMMOND, BRIGGITTE R

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2833

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/583,637
Filing Date: August 03, 2007
Appellant(s): CLASSEN ET AL.

Andre Pallapies
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 2, 2011 appealing from the Office action mailed December 20, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

20040005818	Judge et al.	1-2004
6764321	Machado	7-2004

(9) Grounds of Rejection

Claims 14,15 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Judge et al. 2004/0005815. Regarding claims 14, Judge et al. discloses in figure 3 a connector device 70 comprising a first plug-in connector (right end of device) with connection elements effecting a detachable electrical/mechanical connection and a second plug-in connector (left end of device) establishing a detachable electrical/mechanical connection, the second connector has the same configuration for different cable plugs.

Regarding claim 15, structure 75 is waterproof (see claim 8). Therefore, at least the second plug-in connector is configured such that after plugging together with the connector contact plug, the second plug-in connector is protected from penetration of dripping or splashed water.

Regarding claim 23, the first plug-in connector is a group plug with a plurality of contact elements.

Claims 14, 23 and 24 are also rejected under 35 U.S.C. 102(b) as being anticipated by Machado 6,764,321. Regarding claims 14 and 24, Machado discloses in fig. 7, a connector device comprising a first plug-in connector and a second plug-in connector for a plurality of mains cables (not shown, see summary of invention).

Regarding claim 23, the first plug-in connector is a group plug with a plurality of contact elements.

(10) Response to Arguments

Regarding Appellant's arguments (see page 5, last line – page 6, line 2) that “the Examiner disregards the crux of the invention whereby an identical connector configuration is provided for each of a plurality of different mains cables.”

The Examiner disagrees. Appellant recites no structure for the identical connector configuration.

Appellant recites a connector device comprising a first plug-in connector 13, and a second plug-in connector 11, wherein the second plug-in connector 11 is provided for a plurality of different mains cables and has an identical connector configuration for each of the different mains cables.

In fig. 1 of Appellant's drawings, two mains cables 50,50' are shown. The only difference between the cables are the plugs 51,51'. Appellant is saying that regardless of the type of cable plug used (51 or 51'), second plug-in connector 11 has the same configuration. Since the structure of the a second plug-in connector 11 does not change, the language regarding the second plug-in connector having “identical

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connector configuration” regardless of the mains cable, is not structurally distinguishable from Judge et al.

Apparatus claims must be structurally distinguishable from the prior art. While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).

Regarding Appellant’s arguments (see page 6, lines 8-9) that “Judge et al. has no description of casing 75 being waterproof”. The Examiner disagrees, and draws Appellant’s attention to claim 8, which states that “said casing is substantially water-resistant”.

Regarding Appellant’s arguments (see page 6, paragraph 2, line 9- page 7, line 5) that Machado “lacks at least the claimed first plug-in connector including connection elements coupleable to the cable harness that effect a detachable mechanical and electrical connection between the first plug-in connector and the cable harness. Additionally, Machado lacks the claimed second plug-in connector establishing a detachable mechanical and electrical connection to the mains cable, where the second plug-in connector is provided for a plurality of different mains cables and has an identical connector configuration for each of the different mains cables”.

The Examiner replies, That the terms detachable/coupleable just mean that the structure be able to be coupled/detached.

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Also, Applicant invention is a mains adapter. Machado discloses a mains adapter comprising first and second plug-in connectors including connection elements “coupleable” to a cable harness that effect a detachable mechanical and electrical connection between the first plug-in connector and a cable harness.

Additionally, Machado discloses the second plug-in connector having a same/identical configuration. So the language regarding the second plug-in connector having “identical connector configuration” regardless of the mains cable, is not structurally distinguishable from Machado.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Brigitte R. Hammond/

Primary Patent Examiner

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TQAS TC 2800